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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-
GOMEZ; STEVE KARAGIOSIAN;
ELFEGO RODRIGUEZ; AND JAMAL
CHILDS,

Plaintiffs,

-VS-

BURBANK POLICE DEPARTMENT;
CITY OF BURBANK; TIM STEHR;
KERRY SCHILF; JAMIE "J.J." PUGLISI;
DAN YADON; KELLY FRANK; PAT
LYNCH; MIKE PARRINELLO; AARON
KENDRICK; DARIN RYBURN; AND
DOES 1 THROUGH 100, INCLUSIVE.

Defendants.

CASE NO: BC 414602

[Assigned to Hon. Joanne O'Donnell,
Dept. 37]

**DEFENDANT'S REPLY IN
SUPPORT OF MOTION IN LIMINE
NO. 3 FOR AN ORDER EXCLUDING
EVIDENCE OR ARGUMENT
RELATING TO ANY EVENTS
OCCURRING AFTER THE FIRST
AMENDED COMPLAINT WAS
FILED**

Trial Date: June 8, 2011 (Pltf. Karagiosian)
Discovery Referee: Hon., Diane Wayne, Ret.

Action filed: May 28, 2009

Plaintiff's Opposition entirely side-steps the stated grounds for this motion, which are
that allowing to Plaintiff to make *de facto* amendments to the operative complaint on an
ongoing basis as the litigation, and then the trial, progresses is grossly prejudicial to Burbank

1 because it allows for Burbank no time to investigate, conduct any discovery or in any way
2 prepare to defend against these allegations at trial. Moreover, Plaintiff has filed no
3 administrative claim as to any alleged harassment after the filing of the FAC and thus has not
4 met the procedural prerequisites for filing suit as to those matters.

5 The *sole* authority Plaintiff relies on in Opposing this motion is *Kelly v. New West*
6 *Federal Savings* (1996) 49 Cal.App.4th 659, a case in which the court found that an *in limine*
7 order was improper where it was "difficult to specify exactly what evidence is the subject of
8 the motion until the evidence is offered." (Opp. 2:18-19.) That's not the case here. This
9 motion seeks an order excluding evidence of any event which occurred after the FAC was
10 filed on July 31, 2009. There should be no difficulty in determining whether an event falls
11 within that time period.

12
13 DATED: June 6, 2011

BALLARD ROSENBERG GOLPER & SAVITT, LLP

14
15 By: 

PHILIP L. REZNIK

Attorneys for Defendant

CITY OF BURBANK, including the Police Department
of the City of Burbank

PROOF OF SERVICE

I am a citizen of the United States, and am employed in the County of Los Angeles in the office of a member of the bar of this Court at whose directions this service was made. I am over the age of 18, and not a party to the within action. My business address is Ballard, Rosenberg, Golper & Savitt, 500 North Brand Boulevard, Twentieth Floor, Glendale, California 91203-9946.

On June 6, 2011, I serv **DEFENDANT'S REPLY IN SUPPORT OF MOTION IN LIMINE NO. 3 FOR AN ORDER EXCLUDING EVIDENCE OR ARGUMENT RELATING TO ANY EVENTS OCCURRING AFTER THE FIRST AMENDED COMPLAINT WAS FILED** ed the foregoing document described as:

on the interested parties in this action, by placing a true copy thereof in a sealed envelope addressed as follows:

Solomon E. Gresen, Esq.
Steven V. Rheuban, Esq.
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Attorneys for Plaintiffs

VIA FACSIMILE; and

(BY FEDEX) I am "readily familiar" with the firm's practice of collection and processing correspondence for delivery by Federal Express. Under that practice, in the ordinary course of business, it would be deposited with Federal Express on that same day with directions for next day delivery, with the Federal Express fees guaranteed to be paid by Ballard, Rosenberg, Golper & Savitt, LLP.

(BY ELECTRONIC MAIL) I sent the above-mentioned documents via electronic mail addressed as set forth above.

X

(BY MAIL) and personally placing such envelope with postage fully prepaid for collection and mailing on the above-referenced date following the ordinary business practices of this office. I am readily familiar with our office's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence, including said envelope, will be deposited with the United States Postal Service at Glendale on the above-referenced date.

(BY PERSONAL SERVICE) I delivered such envelope(s) by hand to the above-addressee(s).

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on June 6, 2011 at Glendale, California.


Leslie Reheis